

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
	)	
Plaintiffs,	)	Judge Michael M. Baylson
	)	
v.	)	
	)	PLAINTIFFS BETTY DODSON'S AND
THE HONORABLE ERIC H. HOLDER, JR.,	)	CARLIN ROSS'S ANSWERS AND
Attorney General,	)	RESPONSES TO DEFENDANT'S FIRST
	)	SET OF INTERROGATORIES AND
Defendant.	)	REQUESTS FOR PRODUCTION

**I. INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

ANSWER: Betty Dodson and Carlin Ross  
121 Madison Ave 12B  
NY, NY 10016  
212-679-5667  
www.dodsonandross.com  
www.bettydodson.com  
with the assistance of counsel

INTERROGATORY NO. 2: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person whom you intend to call as a witness at any evidentiary proceeding or trial held in the above-captioned matter, including all plaintiffs and expert witnesses you intend to call.

ANSWER: Objection. As counsel discussed on September 24, 2012, this interrogatory is premature. Plaintiffs have not yet determined who they will call as witnesses at any evidentiary proceeding or trial. They will provide this information once discovery is complete and in compliance with the discovery scheduling order, the court's standing order, and the applicable rules of procedure.

INTERROGATORY NO. 3: For each person identified in Interrogatory Number 2, describe in detail the expected content and nature of the person's testimony, and state the likelihood that the person will testify.

ANSWER: See answer to Interrogatory No. 2.

INTERROGATORY NO. 4: Identify by title, date, publisher, distributor, location, and URL all documents and electronically stored information, including webpages, you intend to introduce as evidence in this litigation.

ANSWER: Objection. As counsel discussed on September 24, 2012, this interrogatory is premature. Plaintiffs have not yet determined what documents they intend to introduce at any evidentiary proceeding or trial. They will provide this information once discovery is complete and in compliance with the discovery scheduling order, the court's standing order, and the applicable rules of procedure.

INTERROGATORY NO. 5: If you contend that you (and/or, for an organizational plaintiff, any of your members) are a primary producer of one or more matters containing visual depictions of actual

or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A, identify by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of ten such matters containing such visual depictions that you and/or your members have produced (or, if the total number that you and/or your members have produced is less than ten, all such matters containing such visual depictions that you and/or your members have produced) and state whether the sexually-explicit conduct in the depictions in each of these matters was actual or simulated or both.

ANSWER:

“Selfloving,” date of creation-1989, date of publication-1991, published by Betty Dodson, self-distributed, actual

“Viva La Vulva,” date of creation-1998, date of publication-1998, published by Betty Dodson, self-distributed, actual

“Orgasmic Women,” date of creation-2005, date of publication-2005, published by Betty Dodson, self-distributed, actual

We do not have records that record the exact date when the following images were posted, but most were posted between 1994 and 2008.

GAG\_penis.tiff; GAG\_penisessay.tiff, <http://dodsonandross.com/gallery/genital-art>

GAG\_penis5.tiff, <http://dodsonandross.com/gallery/genital-art>

GAG\_vulva.tiff, GAG\_vulvaessay.tiff, <http://dodsonandross.com/gallery/genital-art>

GAG\_vulva3.tiff, GAG\_vulvaessay3.tiff, <http://dodsonandross.com/gallery/genital-art>

GAG\_vulva4.tiff, <http://dodsonandross.com/gallery/genital-art>

GAG\_vulva6.tiff, <http://dodsonandross.com/gallery/genital-art>

INTERROGATORY NO. 6: If you contend that 18 U.S.C. §§ 2257, 2257A, and/or their implementing regulations are not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members), or are overbroad, identify, per contention, by full name, all aliases, address, telephone number, e-mail address, and website URL all persons, including plaintiffs, who have personal knowledge of facts relating to each of those contentions.

ANSWER: Objection. This interrogatory is overbroad and burdensome in that it asks Plaintiffs to identify *all persons*, without limitation, who have knowledge of the contention that the statutes are not narrowly tailored or are overbroad. Without waiving this objection, we provide the following information:

Betty Dodson and Carlin Ross have personal knowledge of the facts relating to Plaintiffs' contentions that the statutes and regulations are not narrowly tailored as applied to them and are overbroad.

INTERROGATORY NO. 7: With respect to each person you have identified in response to Interrogatory Number 6, list in complete detail, per person you have identified, those facts known by that person that support either the contention that 18 U.S.C. §§ 2257, 2257A, and/or their implementing regulations are not narrowly tailored as applied to you and/or your members, or the contention that those provisions are overbroad.

ANSWER: The people who have appeared in videos produced by Betty Dodson, who were models for her artwork, and who appear in images on our website are clearly mature adults who could not be mistaken for minors. Therefore, the statutes are not narrowly tailored to advance any interest in protecting children as applied to our expression.

The statutes are also substantially overbroad in that they apply to an enormous amount of protected expression produced by other artists, sex therapists and individuals in the course of their private sex lives that depicts mature adults who could not be confused as children, examples of which have been provided in my response to Interrogatory No. 12.

We reserve the right to supplement our answer with additional facts as discovery progresses.

INTERROGATORY NO. 8: If you (and/or, for an organizational plaintiff, your members) restrict those persons that appear in visual depictions that you or your members produce of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A based on age, identify all procedures that you and/or your members have employed or currently employ to ascertain or verify the ages of those persons.

ANSWER: We request a copy of a passport or driver's license (photo ID) to ascertain age for all our films. With respect to the genital art gallery, Betty never asked for photo id because images of genitals weren't subject to the requirements of 2257 until recently. Now, we ask for photo id for all submissions. You can tell from looking at the images that the individuals are of majority. Plus Betty asks each person submitting images to write an essay about their sexual history which includes their age.

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

i. 18-25

ii. 26-35

iii. 36-45

iv. 46-55

v. 56-65

vi. over 65

ANSWER: We are unable to provide the data for the many images produced throughout the years. All our expression depicts people over the age of 18 and the great majority of them are clearly mature adults. For instance, the age range of the persons appearing in the DVDs listed in response to Interrogatory No. 5 is as follows:

Selfloving: 28 - 60  
Celebrating Orgasm: 26 - 62  
Viva La Vulva: 25 - 68  
Orgasmic Women: 20 - 52  
The Orgasm Dr.: 25 - 40

Images on the Genital Art Gallery were submitted by people ranging from 20 years of age to 83 years of age.

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

ANSWER: The recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257 (a)-(f); (i); the recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257A (a)-(f); (i) and 28 C.F.R. §§ 75.2, 75.3, 75.4, 75.5, 75.6, 75.8 implementing the statutory recordkeeping, labeling, and inspection requirements are not narrowly tailored, are overbroad, and impose unconstitutional burdens on my expression.

We host a website that addresses issues of sexuality and genitalia. Among other things, the website includes a “genital art gallery,” the purpose of which is to help adult men and women work through shame related to the look of their genitalia, by providing a forum for individuals to post images of and essays about their genitalia and to do so anonymously. It is also an important means for Dodson to collect data for her research studying the variations in male and female genitalia. The Genital Art Gallery allowed adults to submit photos of their genitalia, anonymously. When the law was changed to apply to depictions of genitals, we were forced to eliminate roughly 2,000 images of genitalia submitted by adults to the gallery for because we could not secure the necessary photo identification to allow the publication of this expression. Moreover, once we began requiring people to submit photo identification in order to submit their photos to our gallery, submissions dropped off substantially.

The videos produced by Betty and published on our website addresses important issues of sexual health and fulfillment that depicts performers who are mature adults. Application of the myriad recordkeeping and labeling requirements to our expression is not narrowly tailored to advance an interest in protecting children.

Importantly, Betty maintains the requisite records in her home which makes her subject to warrantless searches in her home under the statutory and regulatory inspection scheme.

Also, the statutes and regulations impose their burdens on a vast amount of other protected expression depicting mature adults that is in no way associated with child pornography. See answer to Interrogatory No. 12.

We reserve the right to supplement our answer with additional facts as discovery progresses.

INTERROGATORY NO. 11: With respect to each statutory and/or regulatory requirement that you identified in response to Interrogatory Number 10 and that you contend is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members), identify, per such requirement, by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of ten visual depictions that you and/or your members have produced of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that support your claim (or, if the total number that you and/or your members have produced that support your claim is less than ten, all such visual depictions that you and/or your members have produced).

ANSWER: See answer to Interrogatory No. 5.

INTERROGATORY NO. 12: With respect to each statutory and/or regulatory Requirement that you identified in response to Interrogatory Number 10 and that you contend is overbroad, identify, per requirement, by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of one hundred visual depictions of actual or simulated sexually-explicit

conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that support your claim (or, if the total number of visual depictions that support your claims is less than one hundred, all such visual depictions).

ANSWER: In addition to the representative samples listed in response to Interrogatory No. 5 and that identified by our fellow plaintiffs, the following sets forth a representative sample of depictions compiled by counsel to which the statutes apply and support Plaintiffs' claim that the statutes and regulations are overbroad:

There are thousands of sexually explicit videos made by private individuals that are uploaded to tube sites that depict mature adults and/or are displayed by amateur adult webcam sites. See:

1. Title: Xhamster/Mature Porn Videos  
URL: <http://xhamster.com/channels/new-matures-1.html>  
Date Accessed: September 14, 2012
2. Title: YouJizz/ Mature Porn Tube Videos  
URL: <http://www.youjizz.com/search/mature-1.html>  
Date Accessed: September 14, 2012
3. Title: XVIDEOS/ grannies videos  
URL: <http://www.xvideos.com/tags/grannies>  
Date Accessed: September 14, 2012
4. Title: MadThumbs/Newest Mature Videos  
URL: <http://www.madthumbs.com/categories/mature>  
Date Accessed: September 14, 2012
5. Title: YouPorn/ Mature Sex Porn Tubes  
URL: <http://yourporn.com/category/28/mature/>  
Date Accessed: September 14, 2012
6. Title: Tnaflix/ Mature Sex Videos  
URL: <http://www.tnaflix.com/mature-porn>  
Date Accessed: September 14, 2012
7. Title: Spankwire/ Milf Porn Tube  
URL: <http://www.spankwire.com/search/straight/keyword/granny>  
Date Accessed: September 14, 2012
8. Title: Redtube/ Granny sex videos  
URL: <http://www.redtube.com/tag/granny>  
Date Accessed: September 18, 2012

9. Title: Porncor/ Mature

URL: <http://porncor.com/search/mature>

Date Accessed: September 20, 2012

10. Title: Boysfood/ Mature Porn

URL: <http://www.boysfood.com/videos/mature/>

Date Accessed: September 20, 2012

11. Title: Yuvutu.com/ Free Porn Videos, Free Amateur Porn, TV Sex Porno XXX

URL: <http://www.yuvutu.com/>

Date Accessed: September 20, 2012

12. Title: Tube8.com/Mature

URL: <http://www.tube8.com/cat/mature/2/>

Date Accessed: September 21, 2012

13. Title: FreeViewMovies/Mature

URL: <http://www.freeviewmovies.com/search/mature/>

Date Accessed: September 21, 2012

14. Title: PornoTube/Grannies

URL: [http://www.pornotube.com/media.php?mode=category&category\\_id=618](http://www.pornotube.com/media.php?mode=category&category_id=618)

Date Accessed: September 21, 2012

15. Title: Empflix/Granny

URL: <http://www.empflix.com/categories/watched-granny-1.html>

Date Accessed: September 21, 2012

16. Title: 3XUpload/ Mature

URL: [http://www.3xupload.com/search?search\\_query=mature&search\\_type=videos](http://www.3xupload.com/search?search_query=mature&search_type=videos)

Date Accessed: September 21, 2012

17. Title: EskimoTube/ Granny

URL: <http://www.eskimotube.com/show.php?tag=%22granny%22>

Date Accessed: September 21, 2012

18. Title: KeezMovies/ Mature

URL: <http://www.keezmovies.com/categories/mature>

Date Accessed: September 21, 2012

19. Title: XNXX/granny

URL: <http://video.xnxx.com/tags/granny>

Date Accessed: September 21, 2012

20. Title: ClearClips/ Granny

URL: [http://www.clearclips.com/search.php?zoom\\_query=granny&zoom\\_per\\_page=20&x=0&y=0](http://www.clearclips.com/search.php?zoom_query=granny&zoom_per_page=20&x=0&y=0)

Date Accessed: September 21, 2012

21. Title: EFUKT/ Granny

URL: <http://www.efukt.com/search/granny/>

Date Accessed: September 21, 2012

22. Title: KoosTube/Mature

URL: <http://www.koostube.com/categories/mature/>

Date Accessed: September 21, 2012

23. Title: AlotPorn/ Grannies

URL: <http://alotporn.com/grannies/>

Date Accessed: September 21, 2012

24. Title: Xtube/Grannies:

URL: [http://www.xtube.com/video\\_search.php?search=grannies](http://www.xtube.com/video_search.php?search=grannies)

Date Accessed: September 21, 2012

25. Title: Xpeeps/Mature

URL: <http://www.xpeeps.com/webcam/mature-women/>

Date Accessed: September 28, 2012

26. Title: Xpeeps/Granny

URL: <http://www.xpeeps.com/webcam/granny/>

Date Accessed: September 28, 2012

27. Title: Sell Your Sex Tape

URL: <http://www.sellyoursextape.com/tour.html>

Date Accessed: September 25, 2012

28. Title: Pawn Your Sex Tape

URL: <http://www.pawnyoursextape.com/>

Date Accessed: September 25, 2012

29. Title: See My Sex Tapes

URL: [www.seemysextapes.com](http://www.seemysextapes.com)

Date Accessed: September 25, 2012

Additionally, there are numerous adult dating websites and social networks on which mature adult members exchange a multitude of sexually explicit images with one another. Government computer forensic specialist Kristi Witsman accessed tens of

thousands of images of mature adults from a single website seven years ago. *Affidavit of Kristi Witsman, Connection Distributing Co. v. Gonzales*, Case No. 95 CV 1993 (U.S. Dist. Ct. N. D. Ohio). See:

1. Title: Alt

URL: <http://alt.com>

Date Accessed: September 21, 2012

2. Title: AdultSpace

URL: <http://adultspace.com>

Date Accessed: September 21, 2012

3. Title: BeNaughty

URL: <http://www.benaughty.com/>

Date Accessed: September 21, 2012

4. Title: SwingerZoneCentral

URL: <http://www.swingerzonecentral.com/>

Date Accessed: September 21, 2012

5. Title: AffairsClub

URL: <http://www.affairsclub.com/>

Date Accessed: September 21, 2012

6. Title: IwantU

URL: <http://www.iwantu.com>

Date Accessed: September 21, 2012.

7. Title: Upforit

URL: <http://www.upforit.com/>

Date Accessed: September 21, 2012

8. Title: DateaCougar

URL: <http://www.dateacougar.com>

Date Accessed: September 21, 2012

9. Title: Hookup

URL: <http://www.hookup.com/>

Date Accessed: September 21, 2012

10. Title: xxxBlackBook

URL: <http://www.xxxblackbook.com>

Date Accessed: September 21, 2012

11. Title: Sexinyourcity  
URL: <http://www.sexinyourcity.com/>  
Date Accessed: September 21, 2012
12. Title: Amateurmatch  
URL: <http://www.amateurmatch.com>  
Date Accessed: September 21, 2012
13. Title: Passion  
URL: <http://passion.com/>  
Date Accessed: September 21, 2012
14. Title: Getiton  
URL: <http://getiton.com/>  
Date Accessed: September 21, 2012
15. Title: HornyMatches  
URL: <http://www.hornymatches.com/>  
Date Accessed: September 21, 2012
16. Title: BDSM  
URL: <http://bdsm.com/>  
Date Accessed: September 21, 2012
17. Title: Ashley Madison  
URL: <http://www.ashleymadison.com/>  
Date Accessed: September 25, 2012
18. Title: Adult Friend Finder  
URL: <http://adultfriendfinder.com/>  
Date Accessed: September 25, 2012
19. Title: LetsBang  
URL: <http://www.letsbang.com/>  
Date Accessed: September 25, 2012
20. Title: NaughtyConnect  
URL: <http://www.naughtyconnect.com/>  
Date Accessed: September 25, 2012
21. Xhookup  
URL: <http://www.xhookups.com/>  
Date Accessed: September 25, 2012

22. Adultmatchdoctor

URL: <http://www.adultmatchdoctor.com/>

Date Accessed: September 25, 2012

There are a number of artistic and educational materials that contain depictions of sexually explicit conduct of mature adults. See:

1. Title: Sex in Art

URL: <http://www.sexinart.net/>

Date Accessed: September 25, 2012

2. Title: The Panhandler Project

URL: <http://www.degenevieve.com/panhandler%20media.html>

Date Accessed: September 28, 2012

Publisher: Barbara DeGenieve

Creation: 2004-2206

3. Title: Art Nude Erotic and Bondage Photo Prints

URL: <http://maxim.photoshelter.com/gallery-list>

Date Accessed: September 25, 2012

Publisher: Alex Maxim

4. Title: Fuck-Art

URL: <http://www.brooklynstreetart.com/theblog/2012/02/08/fck-art-opens-wide-at-the-museum-of-sex-not-safe-for-work-or-school/>

Date Accessed: September 25, 2012

Creation: February 8-June 10, 2012

Location: Museum of Sex, 233 5<sup>th</sup> Avenue, New York, New York 10016

5. Title: The Nu Project

URL: <http://thenuproject.com/>

Date Accessed: September 25, 2012

6. Title: Online Alchemy- The Art of Loren Cameron

URL: <http://www.lorencameron.com/>

Date Accessed :September 25, 2012

7. Title: Sexually Explicit Art "Not Porn," Arist Says

URL: <http://www.nbclosangeles.com/news/local/Sexually-Explicit-Art-Show-Coagula-Chinatown-Gallery-Mat-Gleason-Tim-Youd-147675875.html>

Date Published: April 16, 2012

Date Accessed: September 28, 2012

8. Title: NIH Under Fire for Grants Toward Creation of Homoerotic Website  
URL: <http://www.foxnews.com/politics/2012/04/19/nih-under-fire-for-grants-toward-creation-homoerotic-website/>  
Date Published: April 19, 2012  
Date Accessed: September 28, 2012

9. Title: JD Dragan Fine Art Photography  
URL: <http://www.jddragan.com/>  
Date Accessed: September 25, 2012

10. Title: ErosArts  
URL: <http://erosartist.com/>  
Date Accessed: September 25, 2012

11. Title: *Our Bodies Ourselves*  
Author: Judy Norsigian; Boston Women's Health Book Collective  
Date of Publication: October 1, 2011.

12. Title: *Helmut Newton: White Women, Sleepless Nights, Big Nudes*  
URL: <http://houston.culturemap.com/newsdetail/07-03-11-big-nudes-controversial-helmut-newton-photo-exhibition-at-mfah-is-a-must-for-fashion-followers/>  
Date of Original Exhibit: 7/3/11-9/25/11  
See also  
[http://www.helmut-newton.com/previous\\_exhibitions/sex\\_and\\_landscapes/](http://www.helmut-newton.com/previous_exhibitions/sex_and_landscapes/)  
<http://www.flavorwire.com/296642/helmut-newtons-stunning-photos-of-sex-and-landscapes#8>

13. Title: Paul Knight: Intimate Couples  
URL: <http://www.paulknight.com.au/#intimate-couples>  
Date Accessed: September 25, 2012

14. Title: "Davis Wojnarowicz" Digital Imagine and Photography Blog  
URL: <http://digitalimagingandphotography.blogspot.com/2010/02/david-wojnarowicz.html>  
Date of Creation: February 16, 2010  
Date Accessed: September 15, 2012

15. Title: "Sex: A Tell All Exhibition" at Canada Science and Technological Museum  
URL: <http://www.sciencetech.technomuses.ca/english/whatson/2012-sex-a-tell-all-exhibition.cfm>  
Date Accessed: September 25, 2012

16. Title: "Candor and Provocation: Photography at the Mindy Solomon Gallery"  
(documenting several exhibitions at Mindy Solomon's gallery in St. Petersburg, Florida)

URL: [http://www.mindysolomon.com/exhibits/ex\\_explicit\\_content/index.php](http://www.mindysolomon.com/exhibits/ex_explicit_content/index.php)

Date Accessed: September 25, 2012

17. Title: NYPH09: Controversial Photographers:

(blog reporting on festival that included sexually explicit photos and videos)

URL: <http://www.heathermorton.ca/blog/?p=2091>

Date Accessed: September 25, 2012

18. Title: FeelmeLA

URL: <http://feelmela.wordpress.com/tag/sex-photography/>

Date Accessed: September 25, 2012

19. Title: Erotic Fine Arts

URL: <http://www.erotic-fine-arts.com/efamain.htm>

Date Accessed: September 25, 2012

20. Title: BikeSmut

URL: <http://www.bikesmut.com/#!albumphotos0=6>

Date Accessed: September 25, 2012

21. Title: David Rolin Pan-Erotic Photographer

URL: [http://davidrolin.com/site/#!/the\\_images/](http://davidrolin.com/site/#!/the_images/)

Date Accessed: September 25, 2012

22. Title: Kevin Loreaux: Erotic Photography:

URL: <http://kevinloreaux.blogspot.com/?zx=f7796b754c8d0635>

Date Accessed: September 25, 2012

23. Title: Raw Art

URL: [http://www.newyorker.com/online/2008/01/28/slideshow\\_080128\\_currin#slide=1](http://www.newyorker.com/online/2008/01/28/slideshow_080128_currin#slide=1)

Date Accessed: September 28, 2012

24. Title: China Hamilton

URL: <http://www.chinahamilton.com/gallery2.html#35>

Date Accessed: September 25, 2012

25. Title: Eroti-Cart The History of Erotic Art

URL: [http://www.eroti-cart.com/erotic-paintings-c-27\\_28](http://www.eroti-cart.com/erotic-paintings-c-27_28)

Date Accessed: September 25, 2012

26. Title: Seattle Erotic Art Festival: Recent Photos from Festival Events

URL: <http://www.seattleerotic.org/photography/>

Date Accessed: September 25, 2012

27. Title: AMEA/ World Museum of Erotic Art

URL: <http://www.ameanet.org/michael-hinkle>

Date Accessed: September 25, 2012

28. Title: Erotic Rarities

URL: <http://eroticrarities.com/prints/watercolors.htm>

Date Accessed: September 25, 2012

29. Title: Nude & Erotic Igor Amelkovich Photography

URL: [http://photo.net/photodb/folder?folder\\_id=213527](http://photo.net/photodb/folder?folder_id=213527)

Date Accessed: September 25, 2012

30. Title: Tom Gallant Gallery

URL: <http://www.juxtapoz.com/Gallery/tom-gallant/tom-gallant-10-32064#tom-gallant-4-32061>

Date Accessed: September 25, 2012

31. Title: Betty Tompkins

URL: [http://bettytompkins.com/work\\_paint.aspx](http://bettytompkins.com/work_paint.aspx)

Date Accessed: September 25, 2012

32. Title: Mark Chester SF Gay Radical Sexual Photographer

URL: <http://markichester.com/fineart.html>

Date: Accessed: September 25, 2012

33. Title Tony Ward

URL: <http://www.tonyward.com/xfileframesource.html>

Date Accessed: September 28, 2012

In addition, there are millions of sexually explicit visual depictions that are produced and shared by private individuals using cell phones, computers, and/or digital video cameras as part of intimate communications between them. See:

1. Title: *Nearly 1 in 5 Smartphone users are Sexting:*

(Ten percent of people 55 or older with smart phones have admitted sending sexually explicit phonographs).

URL: [http://digitallife.today.com/\\_news/2012/06/06/12090540-nearly-1-in-5-smartphone-users-are-sexting?lite](http://digitallife.today.com/_news/2012/06/06/12090540-nearly-1-in-5-smartphone-users-are-sexting?lite)

Date Accessed: September 25, 2012

Date Created: June 6, 2011

Publisher: Digital Life on Today

2. Title: *Sexting and Sexual Relationships among Teens and Young Adults:*  
(Study conducted at Boise State University of students who were 18 years old or older indicated 60% of those surveyed had sent/posted a nude or semi-nude picture of themselves)

URL:[http://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1091  
&context=mcnair\\_journal](http://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1091&context=mcnair_journal)

Date Accessed: September 25, 2012

3. Title: *Sex and Tech: Results from a Survey of Teens and Young Adults*  
(Survey from the National Campaign to Prevent Teen and Unplanned Pregnancy results indicate, among other things, that 33% of young adults (ages 20-26) overall have posted nude or seminude picture or video of themselves. 46 % of young adults had received a nude or semi-nude picture or video someone else. )

URL: [http://www.thenationalcampaign.org/sextech/pdf/sextech\\_summary.pdf](http://www.thenationalcampaign.org/sextech/pdf/sextech_summary.pdf)

Date Accessed: September 29, 2012

4. Title: *Texting, Sexting, and Attachment in College Students' Romantic Relationships:*

(Study examined sexting among college students in relationships and found that 54% of sample (744 college students) reported sending sexually explicit pictures or videos to their relationship partner.).

Publication: *Computers in Human Behavior* Vol.28 Issue 2 (2012) 444-449

5. Title: *C\*U\*2nite: Sexting Not Just for Kids*

URL: [http://www.aarp.org/relationships/love-sex/info-11-2009/sexting\\_not\\_just\\_for\\_kids.html](http://www.aarp.org/relationships/love-sex/info-11-2009/sexting_not_just_for_kids.html)

Date Published: November 2009

Publisher: AARP

Date Accessed: September 29, 2012

6. Title: *Demand for Photo Erasing iPhone App Heats Up Sexting Debate*

URL:<http://content.usatoday.com/communities/ondeadline/post/2012/05/demand-for-photo-erasing-iphone-app-heats-up-sexting-debate/1>

Date Created: May 7, 2012

Publisher: USA Today

Date Accessed: September 29, 2012

6. Title: *Top 5 Sexting Blackberry Apps*

URL: <http://n4bb.com/top-5-sexting-blackberry-apps-nsfw/>

Date created: June 22, 2012

Publisher: N4bb.com

Date Accessed: September

7. Title: *The Best (Phone) Sex of Your Life*

URL: <http://gizmodo.com/5615456/the-best-phone-sex-of-your-life>

Author: Debby Herbenick, PhD, MPH

Date Created: August 18, 2010

Publisher: Gizmodo.com

Date Accessed: September 29, 2012

8. Title: *Instaporn: Porn, 'KikSex' Lurk Just Inside Instagram's Photo Eden*

URL: [http://www.huffingtonpost.com/2012/08/30/instagram-porn\\_n\\_1842761.html](http://www.huffingtonpost.com/2012/08/30/instagram-porn_n_1842761.html)

Date Created: August 30, 2012

Publisher: Huffington Post

Date Accessed: September 29, 2012

9. Title: *Chatroulette is 89 Percent Male, 47 Percent American, and 13 Percent Pervert*

URL: <http://techcrunch.com/2010/03/16/chatroulette-stats-male-perverts/>

Date Created: March 16, 2010

Publisher: Techcrunch.com

Date Accessed: September 29, 2012

10. Title: A Thin Line

URL: [http://www.athinline.org/pdfs/2011-MTV-AP\\_Digital\\_Abuse\\_Study\\_Full.pdf](http://www.athinline.org/pdfs/2011-MTV-AP_Digital_Abuse_Study_Full.pdf)

(2011 Study from MTV and AP of 724 people ages 18-24 and 631 people ages 14-17 which includes: 21% have received a naked picture on their cellphone, 8% have participated in a webcam chat where someone else performed sexual activities, 3% have posted naked pictures or videos of themselves on a website or social networking site.)

Date Created: September 2, 2011

Date Accessed: September 29, 2012

11. Title: Internet Study of Cybersex Participants

URL: [http://www.hawaii.edu/hivandaids/An\\_Internet\\_Study\\_of\\_Cybersex\\_Participants.pdf](http://www.hawaii.edu/hivandaids/An_Internet_Study_of_Cybersex_Participants.pdf)

(Study indicates that a total of 30% of the men and 34% of the women in survey, reported to have had cyber sex.)

Date Created: August 7, 2004

Publisher: Archives of Sexual Behavior

Date Accessed: September 29, 2012

12. Title: *Even Celebs Do it for Attention*

URL: <http://abcnews.go.com/Entertainment/FallConcert/story?id=4034951&page=1>  
(Clinical Psychologist says it is more common than most think for couples to make sex tapes. Relationship Expert also says the practice is common especially with social media and tube sites).

Publisher: ABC News

Date of Publication: Dec. 21, 2007

Date Accessed: September 29, 2012

13. Title: *The Rise of Virtual Sex*

URL: <http://au.lifestyle.yahoo.com/marie-claire/all-about-you/sex/article/-/14749001/the-rise-of-virtual-sex/>

(Article estimating that more than a million couples are now using cyber-sex technology.).

Date of Publication: September 4, 2012.

Publication: Yahoo Lifestyle/Marie Claire

14. Title: Mojowijo

URL: <http://www.mojowijo.com/how-to-use/>

Date Accessed: September 29, 2012

15. Title: *The New Pornographers*

URL: <http://www.sandiegomagazine.com/San-Diego-Magazine/February-2011/The-New-Pornographers/>

Date of Publication: February 2011

Publisher: San Diego Magazine

Date Accessed: September 29, 2012

## II. REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to Fed. R. Civ. P. 34, each plaintiff is hereby requested to produce, separately from other plaintiffs (or to the extent all plaintiffs' responses to any Request are identical, separately signed and sworn), and under oath the documents or electronically stored information set forth below, and to provide the requested material -- in html format for website content, in Windows Media Player (.wmv) format for film or video content, in original resolution Jpeg (.jpg) format for still images, or in searchable pdf format for other material -- by the applicable deadline to defendant's undersigned counsel by delivery to 20 Massachusetts Ave., N.W., Room 7124,

Washington, D.C. 20530.

Objection. Responses to Requests for Production of Documents are not required to be made under oath. Plaintiffs will produce the documents in the form available to them.

REQUEST NO. 1: All documents or electronically stored information that any plaintiff relied on in responding to defendant's interrogatories.

RESPONSE: Plaintiffs will produce those documents or electronically stored information that were relied on in responding to defendant's interrogatories that are not protected by privilege or the work product doctrine. However, they will not produce separate documentation for Plaintiffs' response to Interrogatory No. 12 since their answer provides the url where each item listed in response to that interrogatory can be accessed.

REQUEST NO. 2: All documents or electronically stored information identified in plaintiffs' interrogatory responses.

RESPONSE: Plaintiffs will produce those documents or electronically stored information that were identified in their responses to defendant's interrogatories. Specifically, Plaintiff's Dodson and Ross will produce the DVDs identified in response to Interrogatory No. 5 by sending copies to government counsel by regular mail. However, they will not produce separate documentation for Plaintiffs' response to Interrogatory No. 12 or those items for which a url is provided in response to Interrogatory No. 5 since the answers to those interrogatories provide the url where the items can be accessed.

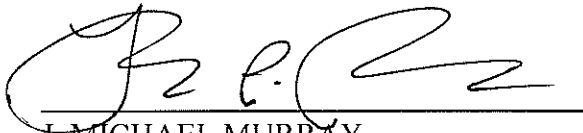
REQUEST NO. 3: All documents or electronically stored information that plaintiffs intend to rely on in any evidentiary proceeding or at trial.

RESPONSE: Objection. As counsel discussed on September 24, 2012, this request for production is premature. Plaintiffs have not yet determined what documents they intend to introduce at any evidentiary proceeding or trial. They will provide this information once discovery is complete and in compliance with the discovery scheduling order, the court's standing order, and the applicable rules of procedure.

REQUEST NO. 4: All documents or electronically stored information relating to the plaintiffs' alleged costs (and/or, for an organizational plaintiff, the costs of plaintiffs' members) of complying with 18 U.S.C. §§ 2257 and 2257 and their implementing regulations.

RESPONSE: Plaintiffs Dodson and Ross have no documents responsive to this request.

As to Objections:



J. MICHAEL MURRAY  
LORRAINE R. BAUMGARDNER  
BERKMAN, GORDON, MURRAY & DEVAN

Attorney for Plaintiffs

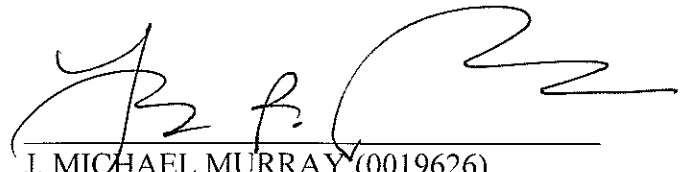


J. MICHAEL MURRAY (0019626)  
jmmurray@bgmdlaw.com  
LORRAINE R. BAUMGARDNER (0019642)  
lbaumgardner@bgmdlaw.com  
BERKMAN, GORDON, MURRAY & DeVAN  
55 Public Square, Suite 2200  
Cleveland, Ohio 44113-1949  
(216) 781-5245  
(216) 781-8207 (Facsimile)

Attorneys for Plaintiffs

### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Plaintiff Carlin Ross's Answers and Responses to Defendant's First Set of Interrogatories and Requests for Production has been served upon Attorney for Defendant, Kathryn L. Wyer, U.S. Department of Justice, Civil Division, via email (kathryn.wyer@usdoj.gov) on this 12th day of October, 2012.

A handwritten signature in black ink, appearing to read 'J. Michael Murray', is written over a horizontal line.

J. MICHAEL MURRAY (0019626)  
LORRAINE R. BAUMGARDNER (0019642)  
BERKMAN, GORDON, MURRAY & DeVAN

Attorneys for Plaintiffs